

Washington 25, D. C.

8 August 1949

COPY

Rear Admiral R. H. Hillenkoetter, USN  
Director  
Central Intelligence Agency  
Washington 25, D. C.

Dear Admiral Hillenkoetter:

Following the receipt of your letter of June 30, 1949, we took up officially with the Commissioners the question whether under the Central Intelligence Agency Act of 1949, the Agency is mandatorily subject to the provisions of the Classification Act of 1923, as amended.

It is the official judgment of the Commission, based on sections 7 and 10(b) of the Central Intelligence Agency Act of 1949, that the Agency is not required, as a matter of law, to follow the Classification Act, and that the Commission, therefore, as a matter of law, is not required to enforce that Act within your Agency.

This decision does not affect the status of employees or positions with reference to other laws, such as the Civil Service Act or the Retirement Act.

We are gratified to learn that notwithstanding the legal conclusion stemming from the terms of the statute, you intend, as an administrative policy, to follow the basic philosophy and principles of the Classification Act, the Civil Service Commission's allocation standards, the pay scales, the within-grade salary advancement plans, and the pay rules of the Classification Act, as they may be amended from time to time, in substantially the same manner as the Classification Act provides.

Under these conditions, we are glad to offer our services as a source of information, advice, and the certification of advisory allocations when you desire such action. We appreciate the soundness of your administrative policy with respect to position-classification and salary standardization. Within our resources, we will do all we can to aid you.

Sincerely yours

(signed)

Isaac Baruch, Chief  
Personnel Classification Division

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10 August 1949

Mr. Ismar Baruch  
Chief, Personnel Classification Division  
United States Civil Service Commission  
Washington 25, D. C.

Dear Mr. Baruch:

Thank you for your letter of 8 August stating the official judgment of the Civil Service Commission to the effect that sections 7 and 10(b) of Public Law 110 (81st Congress) does not require the Commission to enforce the Classification Act within this Agency.

You may be assured that in our internal personnel administration we will be governed by the basic philosophy and principles of the Classification Act, the Civil Service Commission's allocation standards, the pay scales, the within-grade salary advancement plans, and the pay rules of the Classification Act, as they may be amended from time to time, in substantially the same manner as provided for other agencies.

Your willingness to be of service and to assist us in classification problems is very much appreciated, and we will certainly be calling upon you from time to time for such assistance.

I wish again to thank you and, through you, the Commissioners for the very fine support you have given us in the past and the understanding with which your representatives have dealt with the difficult problems they have encountered in this Agency.

Sincerely,

(Signed)

R. E. HILLENKOTTER  
Rear Admiral, USN  
Director of Central Intelligence

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Management Officer "  
General Counsel "  
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NOTE: This correspondence will be given no publicity. We will continue, as in the past, to comply in spirit as well as in letter, to the fourth paragraph of Mr. Baruch's letter.

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PERSONNEL  
9 October 1954**ASSIGNMENT****TEMPORARY ASSIGNMENT WITHOUT CHANGE IN GRADE**

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**1. GENERAL**

This Regulation establishes the circumstances under which an employee may be temporarily assigned to a position of lower or higher GS grade than he holds.

**2. POLICY**

As a rule, an employee's grade will be no higher than that authorized for the position which he occupies. Exceptions may be authorized on a temporary basis, when in the best interests of the Agency, to provide for the temporary assignment of a particular employee to a specific position.

**3. RESPONSIBILITIES****a. CHIEFS OF MAJOR COMPONENTS AND OPERATING OFFICIALS**

The Chiefs of Major Components (Deputy Directors (Plans), (Intelligence), and (Administration), the Director of Training, the Assistant Director for Communications, and the Assistant Director for Personnel) and Operating Officials (the Assistant Directors of the Office of the Deputy Director (Intelligence), the Chiefs of the Administrative Offices of the Office of the Deputy Director (Administration), the Chiefs of Area Divisions and Senior Staffs of the Office of the Deputy Director (Plans)) are responsible for recommending temporary assignments of their personnel to positions of lower or higher grade in accordance with the provisions of this Regulation.

**b. HEADS OF EACH CAREER SERVICE**

The head of each Career Service, or his duly appointed designee, is responsible for recommending the approval or disapproval of such proposed temporary assignments of employees whose service designations correspond to that Career Service.

**c. ASSISTANT DIRECTOR FOR PERSONNEL**

The Assistant Director for Personnel is responsible for reviewing recommendations for such temporary assignments and for approving those actions which conform to the provisions of this Regulation. He is also responsible for periodically reviewing such assignments throughout the Agency to ensure proper utilization of personnel.

**4. TEMPORARY ASSIGNMENT TO HIGHER GRADE**

An employee may be assigned to a position classified at a higher grade than his present grade.

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9 October 1954

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**5. TEMPORARY ASSIGNMENT TO LOWER GRADE**

- a. An employee may be temporarily assigned to a position classified at a grade lower than his own without change in his grade under the following circumstances:
- (1) When the employee is the only qualified individual available for a position which must be filled immediately.
  - (2) When such an assignment is desirable to provide an individual with certain experience to qualify him for future assignments in which he would be of greater value to the Agency.
  - (3) When the employee possesses such unusual background, contacts or qualifications for a particular position that administrative necessity dictates his temporary assignment to that position.
  - (4) When the employee possesses qualifications of evident value to the Agency in positions of his own grade, and although no immediate assignment at that grade is available, staffing plans indicate the availability of an appropriate position in the near future.
  - (5) When, after downgrading of his position, it is administratively determined to retain an employee in his present grade and position because he is, by virtue of extended experience in the work being performed, more valuable in that position
    - (a) than in any other position at his grade level which is then available in the Agency and for which he is qualified, and
    - (b) than any other employee who is available for assignment to the position at the authorized grade level.
- b. The following limitations apply with respect to the use of such temporary assignments:
- (1) An employee temporarily assigned to a position of lower grade may not be promoted upon assignment to or while in that status. This does not, of course, affect periodic step increases in salary.
  - (2) The number of employees assigned on this basis within any Major Component may at no time exceed one percent of the total number of positions authorized by the ceiling approved for the Component concerned.
  - (3) Employees assigned on this basis will be charged against the personnel ceiling for the Component concerned and, in cases involving grades GS-16, -17, and -18, such employees will remain charged against the supergrade ceiling.
- c. Assignments made in accordance with the provisions of this paragraph will be periodically reviewed by the Chief of the Major Component concerned and the Assistant Director for Personnel to ensure proper utilization of personnel.
- d. Consideration will also be given to the effect of such assignments upon personal services expenditures in the budget concerned.

**FOR THE DIRECTOR OF CENTRAL INTELLIGENCE:****L. K. WHITE**  
Deputy Director  
(Administration)**DISTRIBUTION: AB****SECRET**